

The application is for the partial demolition, external alterations and change of use of the existing property from a former Registry Office into a single dwelling. Three new detached dwelling within the grounds of 20 Sidmouth Avenue are also proposed.

The application site lies within the Brampton Conservation Area and the Urban Neighbourhood Area of Newcastle as specified on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on 6 November 2019, however the applicant has agreed an extension of time until the 9th December 2019.

RECOMMENDATION

Subject to further consideration of the impact of the parking spaces for unit 1 on the root protection area of visually significant trees, PERMIT subject to conditions relating to:

- 1. Standard time limit**
- 2. Approved plans**
- 3. Approval of external facing materials to the dwellings, hard surfaces and details of the window reveals**
- 4. Approval of levels**
- 5. All boundary treatments, to include boundary walls to the plot boundaries adjoining the highway (as shown on the plans) and retention of the boundary wall to 19 Sidmouth Avenue**
- 6. Approval of measures to secure the existing building following demolition of the extension**
- 7. Landscaping**
- 8. Retention and protection of all trees shown to be retained**
- 9. Demolition/construction activity to be limited to reasonable hours**
- 10. Noise assessment indicating any mitigation measures required**
- 11. Electric Vehicle Charging**
- 12. Importation of soil or soil forming material**
- 13. Provision of access and parking prior to occupation**

Reason for Recommendation

It is considered, overall, that this is an acceptable form of development and subject to further consideration of the position of parking to unit one and its impact on the root protection area of visually significant trees, the development will enhance the character and appearance of the Conservation Area.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

Initial concerns have been addressed through the submission of amended plans. Subject to appropriately worded conditions the proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

1.1 The proposal involves the conversion of the former Registry Office to a four bedroom dwelling involving partial demolition and alteration to the building. In addition three detached

dwellings are also proposed. The application is made under Regulation 3 of the Town and Country Planning General Regulations 1992 to for planning permission to develop land in the ownership of the Borough Council.

1.2 The site lies within the Brampton Conservation Area.

1.3 The main issues for consideration in the determination of this application are:

- Principle of residential development in this location
- Impact on the character and appearance of the Conservation Area
- Impact on trees
- Residential amenity
- Highway safety

2.0 Principle of residential development in this location

2.1 Local Plan (NLP) Policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with Policy ASP5 of the Core Spatial Strategy (CSS) setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

2.2 Policy SP1 of the Core Spatial Strategy (CSS) states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

2.3 The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

2.4 The Council is able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.45 years as at the 1st April 2018. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. This site is located in the urban area and it is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

2.5 The site is a brownfield site in a highly sustainable location and the principle of housing development on the site therefore complies with local and national planning policy guidance.

3.0 Impact on the character and appearance of the Conservation Area

3.1 The property is within the Brampton Conservation Area and as such there is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of its planning functions.

3.2 Paragraph 193 of the NPPF sets out that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3.3 The NPPF at paragraph 195 further states that “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”

3.4 At paragraph 196 of the NPPF it states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.5 At paragraphs 124 and 130 the NPPF indicates that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

3.6 Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

3.7 Policy B11 “Demolition in Conservation Areas” states that, “consent to demolish a building or any part of a building in a Conservation Area will not be granted unless it can be shown that each of the following is satisfied:

- The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal would benefit the appearance or character of the area,
- Detailed plans for redevelopment are approved where appropriate,
- An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate.

3.8 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) states in its policy HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

3.9 As stated by the Council’s Conservation Officer, Sidmouth Avenue is characterful and occupied in the main by large historic villas, both detached and semi-detached. The existing property was used as the Registry Office and has been added to over the years through the construction of large extensions that have no merit and do not make a positive contribution to the character and appearance of the Conservation Area.

3.10 There are no objections to the proposed demolition of the extensions, the making good of the gable of the original building and its use as a dwelling (unit 1). What would remain of the building has visual merit and is beneficial to the character and appearance of the Conservation Area given its prominent position at the corner of Sidmouth Avenue with Brampton Road. Subject to a carefully worded condition that ensures that the elevation

exposed following demolition is appropriately secured should the demolition take place in advance of, and separately to, the conversion works required for the intended use as a dwelling, no harm to the heritage asset, the Conservation Area, would arise.

3.11 During the application process the plans for the new proposed dwellings have been amended. The latest version of the plans show a pair of detached dwellings (units 3 and 4), adjacent to 19 Sidmouth Avenue. These dwellings are of the same design, albeit handed and are to be constructed in facing brickwork and plain clay tile. They will feature a gable that is 3 storeys in height containing a large element of glazing extending from ground floor to ridge. The gable will contain an off-set brick projection that partially frames the glazing at ground and first floor. The dwellings also have a lower, single storey element which contains a garage and front and rear dormer windows.

3.12 The handed design of the dwellings and their siting close to each other on the common boundary gives the impression that they are a pair of dwellings and whilst not semi-detached, which is the preference of the Conservation Advisory Working Party (CAWP), they do, to some extent, reflect the pair of semi-detached dwellings that adjoin the site.

3.13 The third new dwelling (unit 2) is to be sited between the pair of dwellings referred to above and the retained/converted building. Its design and appearance differs from the pair, with a lower overall height and as such is subservient in design to the new pair and the existing building to be retained. As such this dwelling seeks to provide an appropriate transition between the new and the old.

3.14 Its design, to some extent, is a modern interpretation of the arts and crafts style of architecture. It is also to be constructed in facing brickwork and plain clay tiles and will incorporate box bay windows.

3.15 The existing low stone boundary wall, which extends along Brampton Road and on part of the Sidmouth Avenue frontage, will be retained. The latest plans show a low brick wall with brick piers proposed along the front boundary of the new dwelling similar to the brick wall to the front of 19 Sidmouth Avenue. The boundary walls partially screen the proposed frontage bin stores which as a result would not be visually harmful. Notwithstanding the concerns of the CAWP, the inclusion of frontage parking is not unacceptable in this location.

3.16 Overall, subject to consideration of the impact of the development on trees and the approval of the details it is considered that the removal of the extensions to 20 Sidmouth Avenue and their replacement with the proposed development will enhance the heritage asset, the Conservation Area.

4.0 Impact on trees

4.1 Trees on and around this site are very visually important to the character and setting of the Brampton Conservation Area, and are particularly prominent when viewed from Station Walks and Queen Street.

4.2 The Landscape Development Section (LDS) have expressed concern that the small size of the rear gardens and the proximity of the trees within Station Walks would be likely to lead to subsequent pressure for felling or pruning. This concern is acknowledged, however the same concern would arise to a lesser extent if it were proposed to construct one new build dwelling or to convert the existing extensions to a dwelling and if given significant weight in the determination of the application would render the site difficult to develop. Given that the residents on the north side of Sidmouth Avenue already live in close proximity to trees within Brampton Park it would be difficult to argue that the Council would have no choice but to succumb to any pressure for tree removal. It is therefore considered that such a concern does not in itself justify refusal of planning permission.

4.3 There are no objections to the loss of the 9 pollarded trees within the site along the side boundary with 19 Sidmouth Avenue and, notwithstanding the views of the LDS, it is considered that the replacement of these trees within the site is not required.

4.4 It is appropriate to site the parking to unit 1, which is the existing building, to the rear where it would have less of a visual impact on the street scene. The comments of the LDS that this would encroach into the root protection area of trees within Station Walks are, however, noted and further consideration is being given to this concern.

5.0 Residential amenity

5.1 Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on the assessment of proposals for new dwellings in respect of matters such as light, privacy and outlook. The proposal is in accordance with this guidance as regards garden length and area and the relationship between the existing dwellings and the proposed given that there are no side facing principal windows in the existing adjoining dwelling.

5.2 Environmental Health Division have advised that a noise assessment should be undertaken to identify any mitigation measures needed to ensure future residents will not be adversely impacted upon by road traffic noise. Such provision is appropriate.

5.3 The intention is to retain the existing boundary wall with 19 Sidmouth Avenue and subject to the approval of the finished levels of the proposed dwellings it considered that acceptable living conditions can be secured for both surrounding residents and future occupiers of the development.

6.0 Highway safety

6.1 Paragraph 109 of the Framework details that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.2 Whilst not entirely consistent with the Framework in that it seeks to apply maximum parking standards, the parking standards identified within Saved Policy T16 of the Local Plan state that for a dwelling of four or more bedrooms, three off street parking spaces should be provided.

6.3 The Highway Authority objects to the application on the basis of the plans initially submitted. The latest version of the plans shows the provision of one parking space on a driveway of approximately 5.5m in length for each of the three new build dwellings. All of these dwellings have an integral garage but given the limited size of these garages, particularly the garage to the individually designed dwelling, this could not be counted as a parking space. Two parking spaces are provided for the dwelling to be provided within the existing building, but given the length of the driveway considerably more than 2 vehicles could be parked on this plot.

6.4 Whilst the level of parking for the new build dwellings are very limited in number for the size of the dwellings (4/5 beds) it is considered acceptable given the highly sustainable location of the site.

6.5 Overall it is considered that there is no significant detriment to highway safety arising from the development.

APPENDIX

Policies and Proposals in the Approved Development Plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy CSP10	Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements
Policy C4	Open Space in New Housing Areas
Policy N12	Development and the protection of trees
Policy B9	Prevention of Harm to Conservation Areas
Policy B10	The Requirement to Preserve or Enhance the Character or Appearance of Conservation Areas
Policy B12	Demolition in Conservation Areas
Policy B13	Design and development in Conservation Areas
Policy B14	Development in or adjoining the boundary of Conservation Areas
Policy B15	Trees and landscape in Conservation Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations

[National Planning Policy Framework](#) (February 2019)

[Planning Practice Guidance](#) (March 2014)

[Supplementary Planning Documents/Guidance](#)

[Affordable Housing SPD](#) (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

Relevant Planning History

None that is of relevance to this application.

Views of Consultees

The **Highway Authority** considers that the application should be refused due to insufficient information to determine the proposal from a highway safety perspective. They request information regarding the internal dimensions of the garage and the length of the driveway between the highway boundary to plots 3 and 4.

The **Conservation Advisory Working Party (CAWP)**, commenting on the initial plans, does not object to the conversion of the main building back to a single dwelling house but feels that

the streetscene character of Sidmouth Avenue, particularly on this side of the road is for large semi-detached villas and the development would be improved by introducing this into the proposal. CAWP felt that the roofs of the proposed dwellings were too high and the relationship with the three storey gable needed consideration. They object to the frontage car parking which should be relocated to the rear and consideration given to rear garaging or parking.

In response to amended plans received on 22nd October the Working Party commented that the changes are not that significant and still dislike the large roof and garages at the front, and would prefer bins located to the rear or to be concealed more. They would still like a pair of semi-detached houses and front wall with landscaping to discourage parking. It objects to Unit 2 and would like a more bespoke design, possibly even a more modern approach.

The Council's **Urban Design and Conservation Officer**, commenting on the initial plans, indicates that the development at Sidmouth Avenue, falls within Brampton Conservation Area. This site is at the front of the Avenue which is characterful and occupied by in the main, large historic villas, both detached and semi-detached.

The site was occupied by the registry office and has lain vacant for some time. The main house was used by the registry office and has large extensions which have no merit. No objections are raised to the demolition of these extensions and the making good of the gable elevation to the original house – buff brick, window surround detailing to match. A carefully worded condition is required to ensure that this elevation is not left following the demolition for any length of time.

There are a number of issues regarding front parking, possible rear vehicular access and design changes to the dwellings including lowering of the roof that have been discussed with the architects.

The **Environmental Health Division** has no objections subject to conditions relating to:-

1. Hours of construction and demolition
2. Prior approval of a noise assessment with any mitigation measures needed to achieve appropriate internal and external noise levels.
3. Electric vehicle charging points
4. Importation of soil or soil forming material.

The **Landscape Development Section** considers that the proposed dwellings have a poor relationship with the existing trees to the rear of the site and as such objects to the proposal. The rear gardens are small and the proximity of these trees would be likely to lead to post development resentment of the trees by occupants of the dwellings due to concerns such as shading, damage to property during strong winds and leaves blocking gullies. This would be likely to lead to subsequent pressure for the felling or pruning of the trees.

Trees on and around this site are very visually important to the character and the setting of the Brampton Conservation Area, and are particularly prominent when viewed from Station Walks and Queen Street.

Parking for unit 1 within the root protection area of retained trees is not supported. In addition there are concerns that there is very little space for meaningful landscaping along the frontage of this site and no suitable position for replacement of any of the 9 pollarded trees lost as a result of this development.

Representations

One representation has been received raising the following points:

- Is it the intention to retain the existing boundary wall and fence?
- The plans state that level access is provided to all new dwellings with ground floor facilities and the proposed street scene plan suggest that the new build houses will

be built at street level. This implies that a substantial amount of ground work will be required to raise the ground level, especially adjacent to number 19 Sidmouth Avenue. This would mean that the rear of the new property would be approximately 2m above the existing ground level resulting in a tall structure approximately 3.7m from kitchen and bedroom windows of 19 Sidmouth Avenue.

Applicant/agent's submission

Application forms and plans have been submitted along with a Heritage Statement, Design and Access Statement and Arboricultural Report. All of the application documents are available for inspection at Castle House and can be viewed via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00708/DEEM4>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

15 November 2019